

News from Ed Markey

United States Congress**Massachusetts Seventh District****FOR IMMEDIATE RELEASE
December 17, 2001****CONTACT: Israel Klein of Michal
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MARKEY QUESTIONS LEGALITY OF MAIL-ORDER ANTHRAX SENT TO LOS ALAMOS

Lab appeared to violate 1996 law on transferring select biological agents

WASHINGTON, D.C. --

Rep. Edward Markey (D-MA), a senior Member of the House Energy and Commerce Committee and co-chairman of the Bipartisan Task Force on Nonproliferation, today released letters to Department of Energy (DOE) Secretary Spencer Abraham and Health and Human Services Secretary Tommy Thompson questioning the circumstances under which Los Alamos National Laboratory requested, received and used virulent anthrax it was not authorized to possess.

"At a time when we are all concerned that dangerous biological agents are not secure from terrorists, I am stunned to discover that a government nuclear weapons laboratory broke the rules," said Rep. Markey. "Unfortunately, this is just the latest installment in a long history of security violations at DOE laboratories, a situation that is even more alarming given the events of September 11."

In 1996, Congressman Markey introduced H.R. 3033, the "Biological Weapons Control Act of 1996" with former Representative John Kasich, and Senator Hatch (S. 1606). The bill imposed requirements for the transfer of select biological agents and was later signed into law as part of the Anti-terrorism and Effective Death Penalty Act of 1996 (Section 511 of Public Law 104-132). If Congress had not passed this law, America would be largely in the dark with respect to who transfers or receives bioagents in this country. The regulations require any entity wishing to work with live anthrax samples that does not have authorization to do so, to obtain an exemption from the regulations from the Centers for Disease Control and Prevention. LANL did not obtain such an exemption, and in transferring and receiving the anthrax, Northern Arizona University and LANL appear to have violated the 1996 law.

Reports and documents obtained by the Congressman indicate that LANL received a shipment of virulent anthrax from Northern Arizona University on October 26, 2001, even though LANL is not authorized to receive such shipments. LANL did not report the incident for almost a month, and during that time LANL informed the community that it did not possess or intend to work on materials such as virulent anthrax until it constructed a new, higher security facility.

The letters released by Congressman Markey:

- Question the circumstances under which the transfer of virulent anthrax occurred
- Question whether the appropriate penalties have been imposed and law enforcement authorities informed
- Question whether LANL misled the community, DOE or the CDC in its handling of the situation
- Question the security procedures in place to prevent this sort of incident from happening in the future at LANL or any other DOE laboratory

"This is not a time for anyone, especially a Government lab, to be playing fast and loose with security rules," said Rep. Markey. "We need to increase the security associated with the handling of dangerous biological agents, not allow the rules to be broken."

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